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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,308

03/12/2004

Jeanne Guillou

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EXAMINER

KIM, CHONG R

ART UNIT

PAPER NUMBER

2624

MAIL DATE

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02/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,308	<b>Applicant(s)</b> GUILLOU ET AL.	
	<b>Examiner</b> Charles Kim	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment and Arguments***

1. Applicant's amendment filed on November 19, 2007 has been entered and made of record.
2. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8-16, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Andrew U.S. Patent Application Publication No. 2001/0021223 (hereinafter "Andrew") and Hidetaka, EP Patent No. 1,069,764 (hereinafter "Hidetaka").

Referring to claim 1, Andrew discloses a method of defining qualities for a digital image signal encoded beforehand, comprising defining a predetermined number of quality modes each corresponding to at least one decoding parameter of the digital signal [pars. 65-66. Note that the number of layers are construed as the predetermined number of quality modes.], wherein a digital image in a given one of the quality modes is obtained by decoding the digital image signal encoded beforehand using at least one decoding parameter corresponding to the given quality

mode [par. 67. Andrew explains that the reconstructed (decoded) image quality ranges from low quality to lossless quality corresponding to 1 to 5 layers respectively. In other words, an image decoded (reconstructed) using 1 layer would produce an image with low quality, whereas an image decoded using 5 layers would produce an image with lossless quality.], wherein all the quality modes defined and only the quality modes defined are made accessible to a final user [par. 67. Note that the 5 layers are the only quality modes made accessible to a final user].

Andrew does not explicitly disclose that the plurality of quality modes are determined on the basis of rate information provided via a graphical interface and perception quality information provided via the visualization of the decoded digital signal. However, this feature was exceedingly well known in the art. For example, Hidetaka discloses determining a plurality of quality modes on the basis of rate information provided via a graphical interface and perception quality information provided via the visualization of the decoded digital signal [pars. 49-50 and figure 5].

Andrew and Hidetaka are combinable because they are both concerned with defining qualities for digital image signals. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Andrew in view of Hidetaka. The reason for doing so would have been to enhance the user-friendliness of the image processing method by providing an interactive graphical user interface. Therefore, it would have been obvious to combine Andrew with Hidetaka to obtain the invention as specified in claim 1.

Referring to claim 2, Andrew further discloses using five quality modes, but does not explicitly disclose using three quality modes. However, the Examiner notes that the specific number of quality modes is not considered a patentable distinction. Here, the number of quality

modes would have been chosen by the user in order to meet his/her specific needs. Therefore, Andrew's disclosure would have suggested to one of ordinary skill to use three quality modes.

Referring to claim 3, Andrew further discloses that a predetermined number of quality layers I associated with each quality mode [pars. 65-67].

Referring to claim 4, Andrew further discloses that the decoding parameter is the number of quality layers [pars. 65-67].

Referring to claim 5, Andrew further discloses that each quality mode corresponds to the decoding of a predetermined quantity (layer) of data representing the digital signal [pars. 65-67].

Referring to claim 8, Andrew further discloses an initializing step of determining default values of the number of quality layers to be associated with each quality mode, corresponding to mutually different quantities of data representing the digital signal [pars. 65-67].

Referring to claim 9, Hidetaka further discloses that the rate information is represented in the form of a graph illustrating the size of the image represented by said digital signal as a function of the number of quality layers (Figure 3A and 3B show a graph illustrating image data size as related to differing layers (SD, SDx2, HD) of quality).

Referring to claim 10, Hidetaka further discloses that the predetermined number of quality layers is represented in the form of a cursor simultaneously with the visualization of the decoded digital signal (Figure 5 shows the decoded image signal along side a graphical representation of quality level).

Referring to claim 11, Andrew further discloses that the digital signal is a signal representing an image encoded according to the JPEG2000 standard [par. 54].

Referring to claim 12, see the rejection of at least claim 1 above. Andrew further discloses a device for performing the method recited in claim 1 [fig. 9].

Referring to claim 13, see the rejection of at least claim 2 above.

Referring to claim 14, see the rejection of at least claim 3 above.

Referring to claim 15, see the rejection of at least claim 4 above.

Referring to claim 16, see the rejection of at least claim 5 above.

Referring to claim 19, see the rejection of at least claim 8 above.

Referring to claim 20, see the rejection of at least claim 9 above.

Referring to claim 21, see the rejection of at least claim 10 above.

Referring to claim 22, see the rejection of at least claim 11 above.

4. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Andrew, Hidetaka, and the article entitled "The JPEG2000 Still Image Coding System: An Overview" by Christopoulos (hereinafter Christopoulos).

Referring to claim 6, Andrew and Hidetaka do not explicitly disclose that at least one decoding parameter is stored in a file and transmitted to a final user to deduce therefrom, according to the quality mode chosen by the user, the corresponding decoding parameter.

Christopoulos teaches storing decoding parameters in a file to be transmitted to a final user to deduce therefrom, according to the quality mode chosen by the user, the corresponding decoding parameter ("The codestream has a main header at the beginning that describes the original image and the various decomposition and coding styles that are used to locate, extract,

decode and reconstruct the image with the desired resolution, fidelity, region of interest and other characteristics”, Christopoulos Page 1106; wherein the header can be considered a separate file).

It would have been obvious at the time of invention to one of ordinary skill in the art to transmit the decoding parameters to the user so that the user can “decode and reconstruct the image with the desired resolution, fidelity, region of interest and other characteristics” (Christopoulos Page 1106).

Referring to claim 17, see the rejection of at least claim 6 above.

5. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Andrew, Hidetaka, Christopoulos, and Nayyar, U.S. Patent Application Publication No. 2002/0012471 (“Nayyar”).

Referring to claim 7, Andrew, Hidetaka, and Christopoulos do not explicitly disclose that the file is in SWF format.

Nayyar teaches image decoding data in SWF file format (“Additional parameters which define the image data may also be written to the SWF file”, Nayyar Paragraph 45).

It would have been obvious at the time of invention to one of ordinary skill in the art to put image decoding data in the SWF file format because the SWF format has a large installed base and can contain decoding parameter data.

Referring to claim 18, see the rejection of at least claim 7 above.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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February 6, 2008



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